HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6460 of 2006

Dt.4.4.2006

Between:

Scheduled Castes Labour Contract Co-op. Society Ltd.,
Chirala, rep. By its President … Petitioner

And

State of A.P., rep. By its Principal Secretary,
Municipal Administration & Urban Development
Department, Hyderabad and others.

…Respondents

ORDER:

The petitioner questions the action of the 3rd respondent in not entrusting a portion of sanitation work without resorting to tender system in spite of direction of this Court in W.P.No.4860 of 2006, dt.13.3.2006 and issuing an endorsement, dt.18.3.2006 in Roc.No.107/05/F1 as illegal and arbitrary and also contrary to the provisions of A.P. Municipalities Act and the rules framed and contrary to G.O.Ms.30, M.A., dt.18.1.2003 issued by the first respondent.

The petitioner Society is registered under the provisions of Societies Registration Act on 15.10.1999. The members of the petitioner's society are scavengers and rickshaw pullers by profession. The first respondent issued G.O.Ms.No.581, dt.6.11.1996 directing all Municipalities and Municipal Corporations in the State to entrust sanitation works to such societies formed by retired public health workers, their dependents and badili workers. As per G.O.Ms.No.30, dt.18.1.2000 the Government directed to entrust a portion of the sanitation work to the societies formed by the Sanitary Workers Unions without participation in the tenders with a view to improve the efficiency in sanitation with the other modalities indicated in G.O.Ms.No.581, M.A., dt.6.11.1996. It is stated that the petitioner filed a representation on 25.2.2006 to implement G.O.Ms.No.30, dt.18.1.2000 and as the petitioner society was formed with Badili workers, public health workers and

their children, they are entitled to entrust a portion of sanitation works without the tender process. But without considering the said representation, the 3rd respondent has issued tender notice dated 1.3.2006. Therefore, the petitioner filed W.P.No.4860 of 2006 which was disposed of by this Court by order dated 13.3.2006 directing the respondents to consider and dispose of the representation of the petitioner society dated 25.2.2006 to earmark certain portion of the sanitation works to the petitioner society and such societies in accordance with law and pending disposal of the said representation the petitioner was also permitted to participate in the tenders. It is stated that last year the sanitation works were entrusted to the petitioner society on tender basis and this year also tender notification has been issued without implementing the orders of the Government. It is stated that in spite of directions of this Court in W.P.No.4860 of 2006, dt.13.3.2006, the 3rd respondent has issued the impugned endorsement in Roc.No.107/05/F1, dt.18.3.2006 stating that the existing contracts expires on 31.3.2006 and for the further period from 1.4.2006 tenders have been called for from the eligible societies registered in accordance with G.O.Ms.No.581, dt.6.11.1996 and if no tenders are received from the eligible societies, the said works will be entrusted to the petitioner society. Questioning the said endorsement, this writ petition has been filed contending that it is the bounden duty of the 3rd respondent to entrust 15% of the sanitation works to the petitioner society as per the judgment of this Court reported in ***D.L.C.Coop.Society v. Commissioner, L.B.Nagar Municipality, R.R.District***[1] wherein this Court has taken a view that as per G.O.Ms.No.30, M.A., dt.18.1.2000

minimum 15% of sanitation works has to be entrusted to such societies.

The learned counsel for the petitioner submits that though Rule 3(2) of the A.P.Municipalities Tender Rules, 1967 was omitted by G.O.Ms.No.29 dt.17.1.1985, the Municipalities are bound to implement the orders of the Government for entrustment of sanitation works at least 15% to such societies.

Having regard to the facts and circumstances of the case and in view of the judgment of this Court reported in ***D.L.C.Coop.Society v. Commissioner, L.B.Nagar Municipality, R.R.Distrct*** (supra), the 3rd respondent is directed to entrust 15% of the sanitation works, if not already finalized as on today, in favour of the petitioner society or other eligible societies in accordance with law.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J.

4.4.2006
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[1] 2003(4) ALD 508